

**REMARKS**

The Official Action mailed March 15, 2005, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to July 15, 2005. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on April 26, 2004. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 2-21 are pending in the present application, of which claims 2, 7, 12 and 17 are independent. Claims 2-21 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 2-21 under 35 U.S.C. § 112, first paragraph, asserting that "the specification, while being enabling for a magnetic recording medium, does not reasonably provide enablement for any and all other types of recording media." In response, claims 2-21 have been amended to recite "a magnetic recording disk," and independent claims 2, 7, 12 and 17 have been amended to recite "a magnetic film formed over the substrate." The Applicants respectfully submit that claims 2-21 are adequately described in the specification as amended. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraph 4 of the Official Action rejects claims 2-21 under the doctrine of obviousness-type double patenting over the combination of claims 1-19 of U.S. Patent No. 6,805,941, claims 1-97 of U.S. Patent No. 5,989,672, claims 1-27 of U.S. Patent No. 5,637,373, all to Hayashi, and U.S. Patent No. 5,614,314 to Itoh et al.

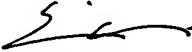
The Applicants respectfully submit that the amended independent claims of the subject application are patentably distinct from the combination of the claims of Hayashi '941, '672 and '373 and Itoh.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicants respectfully traverse the obviousness-type double patenting rejection. As noted above, the independent claims of the present application have been amended to recite a magnetic recording disk comprising a magnetic film formed over a substrate, and it is respectfully submitted that the independent claims of the present application are not a timewise extension of the invention as claimed in the combination of the claims of Hayashi '941, '672 and '373 and Itoh. The combination of the claims of Hayashi '941, '672 and '373 and Itoh does not teach or suggest a magnetic recording disk comprising a magnetic film formed over a substrate. Reconsideration of the obviousness-type double patenting rejection is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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